

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JONATHAN GERMAN PAYAMPS-URENA,

Defendant.

21-CR-593 (NRB)

MEMORANDUM AND ORDER

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Defendant Jonathan German Payamps-Urena was sentenced on February 7, 2023 to a non-guidelines term of imprisonment of 72 months, based on an Offense Level of 29 and a Criminal History Category of I. See ECF No. 34. He faced a Sentencing Guidelines range of 87-108 months. See ECF No. 30.

Defendant has filed a motion for Compassionate Release, primarily relying on Amendment 821 to the Sentencing Guidelines. See ECF No. 35. Amendment 821, which went into effect on November 1, 2023 and applies retroactively, provides for a potential recalibration of a defendant's sentencing guidelines if he had zero criminal history points or if he committed the instant offense while under a criminal justice sentence. Importantly, a defendant with zero criminal history points must not have possessed "a firearm or other dangerous weapon . . . in connection with the offense." U.S. Sent'g Guidelines Manual § 4C1.1(a)(7).

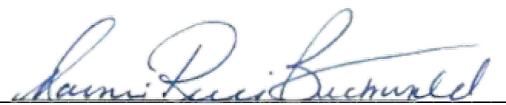
Having considered the record in this case, the Court finds that the defendant is ineligible for a sentence reduction pursuant to Amendment 821. Although the defendant had zero criminal history points, his Offense Level calculation included a two-point enhancement pursuant to §2D1.1(b)(1) of the U.S. Sentencing Guidelines because he possessed a firearm in connection with the commission of the offense. See ECF No. 30.

Further, to the extent defendant seeks compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) based on "extraordinary and compelling reasons" by mentioning his rehabilitative efforts while incarcerated, these efforts alone do not justify compassionate release. In addition, defendant has a mandatory minimum sentence of five years. Thus, any discussion of compassionate release is seriously premature.

Accordingly, this motion is denied. The Clerk of Court is respectfully instructed to terminate the motion pending at ECF No. 35 and mail a copy of this decision to Payamps-Urena (Reg. No. 91367-054) at FCC Allenwood Low in White Deer, Pennsylvania.

SO ORDERED.

Dated: February 8, 2024
New York, New York



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE